XIIA
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PAPERS

IN CONNECTION WITH

PARESNATH HILL.

PART II.

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BENGAL SECRETARIAT
LIBRARY

1174

Aboo Ali Khan Bahadur, Emperor and Champion of Faith.

To

The Motsuddees of the present time and of future of Pergunnah Bissoonpore Pachrookhy in the province of Behar.

TAKE NOTICE THAT

Since Mouzah Palgungo in the aforsaid Pergunnah has been as heretofore exempted from all liabilities in the name of Raja Padman Singh as a charitable endowment to all the temples of Pareshnath made by Juggut Sett, the same is therefore upheld and confirmed in the year 1169 *Fusli*. You shall raise no objection and offer no opposition in any way whatever in respect of the said Mouzah and shall release and leave it to the use and possession of the above-named Rajah so that he may apply the profits thereof to necessary purposes and continue to pray for the welfare of the empire to last for ever. Written on the 27th day of Jamadi-us-sani in the third year of reign.

Compared by Bhaikloll, Record sheristadar with Jowad Ali, copyist of the collectorate, Hazaribagh. Compared by Doorgapersad, Tehsildar and Raghubur Sahay, Mohurrir of Collectorate.

True translation.

ISWAREE PERSAD.

21-1-89.

To the High in dignity Babu Sookhal Chund Shahu, Superintendent and Manager of the Jain Situmbary temples, Sree Pareshnathjee Hill, otherwise called Somed Shekhurjee and Sree Madhubunjee,—May safety attend you.

The Hill Pareshnathjee, together with the lands of Kothi Madhubanjee was, since a long time, that is, since the reigns of the former emperors, treated as *Tirath* (place of pilgrimage) of the Situmbary Jains, and was managed by my father Juggut Sett Mahtab Rai, because it is the place of pilgrimage of the Situmbary Jains. As I am unable to perform personally the duties connected with the said *Tirath* owing to pressure of works to be done at a long distance from my residence, you are appointed as the manager and you are directed that you shall look after the affairs connected with the *Tirath*, the hill and the lands of Madhubun &c. stated above, in such a manner as to enable the pilgrims to visit the place with comfort and ease. The lands of Situmbary Jain Kothee Madhubun measuring about 301 bighas of rent-free lands as specified below and the *Dewattur* hill, Sri Pareshnathjee, the places of worship, the large and small temples &c. are in the possession of the Situmbary Jains. You shall watch with great care the lands, the temples and the hill as per boundaries given below. In future should any of the authorities or zemindars raise any objection or set up any opposition you should produce this Purwanah before him. You are hereby directed that you shall act upon the Purwanah.

Boundaries of

The Jain Situmbary Kothee Madhubun.

The total quantity 301 bighas.

East—old *nala* (water-course.)

West—*nala* Jaipuria.

North—Pucca Jailhari Bund, constructed by the Situmbary Jains.

South—the base of the Hill Pareshnathjee.

Dated the 2nd Ramzan.

(On the back.)

Pursuant to the orders of the Court, passed under date the 15th January 1868, on the application of Lala Bhowany Persad, General Mukhtar of Babu Purun Chund Golicha, this original paper, which was filed on the 27th November 1867, in the criminal case under Sec. 318 of Act XXV of 1861, Babu Purun Chund Golicha, complainant *versus* Raja of Pulgunj, is returned to the said Mukhtar without retaining copy. Dated the 16th January 1868.

(Sd.) PRASANNO LALL,
Record-keeper.

(Sd.) A. S. WILSON,
J. C.

High in dignity Babu Sookhul Chund Sahoo and Boola Sahoo, Managers of the temples of Jain Situmbury, *i. e.* on the hills of Pareshnathjee *alias* Somed Shekhurjee, be of good cheer.

A long time ago since the reigns of the Emperors, the hills of Pareshnathjee, being considered the holy place of the persons of Jain Situmbury religion, were made over to my father, because we were also of the religion of Jain Situmbury. But owing to my having been charged with various affairs, and the said holy place being situate at a great distance, I could not manage the affairs thereof. I therefore having appointed you as the manager of the affairs write to you that you should most carefully manage all affairs so that the pilgrims might with perfect ease travel there and return therefrom. This hill and the holy place have been in the possession of the persons of Jain Situmbury. No other person has anything to do with it. Therefore this Perwanah or order is written to you that you should act accordingly. If any of the authorities or landholders set up opposition in any way you should produce this Perwanah. Dated the 16th of the month of Zekund 1189 Hedgree.

(On the reverse.)

Regular Suit No. 12 of 1867.

Raja Pareshnath Singh ... ... *Plaintiff,*

versus

Poorun Chund Golicha ... ... *Defendant.*

Present :

Deputy Commissioner of Hazaribagh.

Whereas the pleader for the defendant is unwilling to file this paper, but the agent of Khajooram Jowhury (Jeweller) prays to put it in and the Court entertains suspicions with reference to this paper, nor it is a sufficient, and conclusive evidence in regard to any issue, and moreover this paper has not been verified, therefore it is unnecessary to put it up with the record of the case.

Ordered :

That it be returned as it is after being entered. Dated the 24th June 1867.

No. 359, Diary-Book.

(True translation,)

Jadub Chunder Mitter.

Juggut Sett,
Hurruck Chund.
1198.

High in dignity Babu Mool Chund Golicha, Manager of the affairs of the temples of Jain Situmbury on the hills of Pareshnathjee, *alias* Somed Shekhurjee, be of good cheer.

Since a long time, *i. e.* from the reigns of the previous Emperors up to this time, when it is the reign of the Hon'ble Company, the hills of Pareshnathjee having been considered as the place of worship by the persons of the religion of Jain Situmbury were made over to my forefathers, because we are of the persuasion of Jain Situmbury, but owing to my business being multifarious, and my dwelling house being situate at a long distance, I have not been able personally to manage the affairs of that holy place, moreover for this very reason, the authority to manage the affairs of the holy place on the hills of Pareshnathjee was also previously vested, under the Perwanah or order of Juggut Sett, Khosull Chund Shaheb, dated 16th of the month of Zekund 1189 Hedgree, in Babus Sookhul Chund Sahoo and Boolah Sahoo. At present after the death of the said Babus, you having been appointed as manager of affairs, is written to, that you should, as usual before, manage all matters connected with this holy place with perfect care and caution so that the holy place, and the hills remain in the possession of the persons of Jain Situmbury persuasion and the pilgrims might resort and return with perfect ease and perform the worship and pilgrimage with much freedom. This hill and holy place are in the possession of, and the temple prepared by, men of the Jain Situmbury persuasion. No other person has any thing to do with the same. Therefore this Perwanah or order is written to you that you should act accordingly. If any of the authorities or zemindars set up any opposition in any way, you should produce this Perwanah. You should consider this very urgent. Dated 19th of the month of Zekund 1215.

(On the back.)

No. 12 of 1867 Regular Suit.

Raja Pareshnath Singh ... ... *Plaintiff,*

versus

Poorun Chund Golicha ... ... *Defendant.*

Present:

DEPUTY COMMISSIONER OF HAZARIBAGH.

As this paper the pleader of the defendant is unwilling to file, still the agent of Khajooram Johoory (Jeweller) prays for filing it, and as the court entertains some doubt in reference to this paper and it is not sufficient, and conclusive in proving any issue and moreover this paper has not been verified. Therefore it is not necessary to put it up with the case.

ORDERED:

Therefore that it can be returned after being entered. Dated 24th June 1867.

(True translation,)
JADUB CHUNDER MITTER.

To the high and exalted in dignity Babu Dharam Chund Golicha, manager of the Jain Situmbury temples Parasnathjee Hill, otherwise called Somait Shekhurjee and Madhubunjee, may you live in peace!

It is a long time since the Emperors made over the Parashnathjee Hill to the charge of my forefathers considering it a *Tirath* (place of pilgrimage). I too am a follower of the Jain Situmbury religion, but as I have to do numerous business, I am unable to personally manage the said *Tirath*. Therefore prior to this also by a Parwana, dated the 19th Zekad 1215 Hejree, authority was given to Babu Mool Chand Golicha to manage the *Tirath* Parash-Nathjee Hill. Now, owing to the death of the above-named Babu, you are appointed manager, and it is hereby written to you that you should manage the affairs of this *Tirath* with the greatest care so that this holy place may continue and be maintained in the possession of the Jain Situmbury sect; and the pilgrims may travel to and return from there with ease and comfort and perform worship and visit the same with convenience. This Parashnath Hill belongs to the Jain Situmbury sect and no body has any connection or concern with it. To this purport this Parwana is issued to you that you should act up to it. Should any body commit any act of violence or make any interference, you should produce this Parwana. Be aware of the great urgency hereof. Dated the 8th day of the month of Ramzan, year 1231 Hejree.

(on the back)

Filed on the 10th September 1867.

(Initial illegible.)

Pursuant to the orders of the Court, passed under date the 15th January 1868, on the application of Lala Bhowany Persad, general mukhtar of Babu Puran Chund Golicha, this original paper, which was filed on the 27th November 1867 in the Criminal Case under Section 318 of Act XXV of 1861, Puran Chund Golicha, complainant, *versus* Raja of Palgunj, is returned to the said mukhtar without retaining any copy. Dated the 16th January 1868.

(Sd.) Prasanno Lall,

Record-keeper.

(Sd.) A. S. Wilson, J. C.

High and exalted in rank Baboo Pooran Chund Golicha, Manager, of the temples of Jain Situmbury, situate on the Pareshnath Hill, otherwise called Somet Sikhurji, may you live in peace!

A long time ago the emperors entrusted to my ancestors the Pareshnath Hill as well as the Kothee Jain Situmbury, knowing the same to belong to the Jain Situmbury religion. But owing to my having a great many business to do I cannot personally manage the said *Tirath* (place of pilgrimage). Owing to the said reason the management of the *Tirath* at Pareshnath Hill had been previously given under the *Purwana* dated the 8th of the month of Ramzan 1231, Hijri, to Baboo Dharam Chund Golicha. In consequence of the death of the said Baboo, you are now appointed to be the manager, and it is written that you may carefully perform the duties in connection with the said *Tirath* so that the said *Tirath* and the possession of the Jain Situmbury religion may be kept up and maintained, the pilgrims may comfortably come and go and perform their *Pooja* (worship) and *Jatra* (pilgrimage) without any hinderance. This Pareshnathjee Hill is the exclusive property of the Jain Situmbury religion. No body else has any concern or connection with this hill and the *Kothee Madhubanji*. This *Purwana* is therefore written to you that you may work in accordance with this *Purwana*. Should any person use force or offer opposition, you may show him this *Purwana*. Know this fact to be very important.

Dated the 4th of the month of Rabius-sani 1273, Hijri.

(On the back).

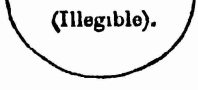
Filed on the 1st September 1867.

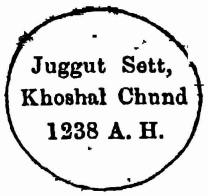
(Sd.) (Illegible).

Under orders passed on the 15th January 1868, on the application of Lalla Bhawani Prosad, general agent on behalf of Baboo Pooran Chund Golicha 1st party against the Raja of Palgunje, 2nd party, this original, without a copy being kept, was returned to the said mukhtar from the records of the Criminal Case under Section 318, Act XXV of 1861, disposed of on the 27th November 1867.

Dated the 16th January 1868. *Finis*.

(Sd.) (Illegible.)





Filed in Angs-Gobindpur Criminal Court on the 28th May 1867 by Habitullah Khan, Mukhtar (Initial illegible) J. C.

To the High and exalted in rank Baboos Dharamchund Golicha and Poorun Chund Golicha, the managers of the Jain Situmbury temple on the Pareshnath Hill, within District Ramgurh, May you live in peace!

Whereas from ancient times and from a long priod the Pareshnath Hill has been in the possession of the Situmbury Jains and they call it *Tirath* (place of pilgrimage) of Sri Samet Shekhurjee; the said *Tirath* has been kept up and continued by the Emperors also. My forefathers, generation after generation, rendered services to the Emperors during their reigns and the Nazims also shewed great respect to my forefathers in consequence thereof. The same respectability still exists in my family. No interference was ever made with the Pareshnath Hill by the emperors or the Nazims by reason of its being a Tirath (place of pilgrimage). As there was a dense Jungle on the way, before this, the Nazims had, under orders of the emperors, appointed the Zemindars of Palgunge &c. for the protection of the Pareshnath Hill, so that the pilgrims might be taken care of, their goods might not be plundered and they might not be attacked by beasts and the work of devotion might be well performed. The Zemindars were ordered to see that no interference was, in any way, made with the Jain Situmbury religion and no sort of slight or disrespect ever offered to it because the Parashnath Hill is the *Dewatter-asthan* (place of devotion) of the Situmbury Jains and it does not belong to any Zemindar. The temples of Jain Situmbury had been built on the Pareshnath Hill a long time ago and when they fell down, new temples were built in Sumbut 1825, corresponding with 1768 A. D. in the time of Juggut Sett Khoshall Chund which are still in existence. In 1833 A. D. Lieut. Western had pitched his tents upon the Pareshnath Hill and it interfered with the *Tirath*. A petition was therefore filed in the Revenue Department at Calcutta and an order was passed by that Department on the 24th January 1833, under the signature of Mr. G. Thompson, the then Commissioner, to the effect, that he (Lieut. Western) must remove his tents. They (the tents) were accordingly removed. Thus the Government has also shewn partiality to the Jain Situmbury religion and in this manner the religion of Jain Situmbury has all along continued on the Pareshnath Hill. No body has any power to interfere with the said *Tirath* and hill. This Parwana is therefore written that you may take such pre-

cautions that no persons may commit any act of oppression on this hill and this *Tirath*, and the arrangements of the emperors and Nazims may be maintained.

Dated the 21*st May* 1840.

(On the back.)

Seven documents inclusive of this are returned to the applicant Khaju Ram in the presence of the authority, this 1st day of August 1867. (Initial illegible).

REVENUE 1833 DEPARTMENT,

Petition of Luchmee Chund and others,

No date,

Received 20th January 1833.

Soliciting that the Judge and Magistrate of Ramghur, be directed to order the removal of the Tents pitched by certain European gentlemen from the Samseekerjee Hills in consequence of their interfering with the worship of an Idol named Pareshnathjee.

This representation apparently has reference to the operations of the officers employed on the Grand Trignometrical Survey. Lieutenant Western who conducted the operations in that part of the country near Pareshnath, is understood to have now left the mountain. The memorialists may rest assured that no offence will be offered their religious prejudices and no obstruction to their usual pilgrimage.

January 24th 1833. (Sd.) I. THOMSON,

Commissioner.

(True Copy.)

(Sd.) THOMAS JONES,

Registrar, Bengal Secretariat.

True Copy.

(Signature illegible.)

For Dy. Registrar.

Court fee Stamp
of eight annas.

No. 35

Seal.

(Sd.) J WARSLEY,
A. G.

Vestige of respectability Raja Darap Nath Singh, zemindar of *Gadi* Palgunge, may you live in safety!

Under orders of the Government bearing date the 12th September 1844, A. D., No 2497 and 13th November 1845, A. D. No 2911, it is necessary for me to know how many *mandils* and *Dewals* of gods &c., are there upon the hill, in the cave and the jungle within your zemindary, of what description they are, how old they are, when and by whom were they built whether they bear any inscription (lit manifest), whether they are made of stone, bricks or any other material, it is therefore written to you that you may thoroughly search and investigate on the hill, in the cave and the jungle within your zemindari and submit to me, on an early date, a report giving the description of the *Dewal* and *mandil* according to the orders given above. You should also write down in your report if there be any inscription on any *Dewal*. Because the Government do, by no means, wish that they may be destroyed. On the other hand it is prohibited to pull down any *dewal* or to extract stone therefrom or to injure it in anyway; know it to be most important, dated the 25th November 1845.

From the Court, of Colonel J. Warsley, agent of the Governor-General.

Certified to be a
True Copy,
(Sd.) KAILAS CHUNDER CHATTERJEE,
Serishtadar to Commissioner.

Court fee Stamp of eight annas.

No. 166

(Sd.) J. WARSLEY,
A. G.

Seal.

Vestige of respectability (respectable) Raja Darap Nath Singh, zemindar of *Gadi* Palgunge, Pergh Kharagdiha, may you live in safety! Your two Petitions along with the *Roobkari* of Assistant *Saheb* of Hazaribagh District have been received this day—One of the petitions is, as a report regarding *Dewals*, in reply to my Parwana, but you have not given answers to all the points which were required to be reported. You have not written whether there is any inscription on any *mandil* and which *mandil* was by whom and when built; you should send to me at an early date, a report on all these points.

In reply to the Parwana of the Assistant *Saheb*, you have written the other petition to the effect that there are *mandils* of *Deotas* (temples of gods) on the Pareshnath Hill, and that it is the place of pilgrimage of the Hindoos. You have consequently raised several objections to the construction of a Government Bungalow thereon. But your objections of this nature are not fit to be entertained because just as Pareshnath constitutes a place of pilgrimage for you, Jaggannathji, *Kashi*, Gyaji and several other places are pilgrimage places of the Hindoos. There are government Bungalows in all those places but they do not, in any way, stand in the way of the pilgrimage of the people of the Hindoo religion. There is no prohibition to the effect that no Government Bungalow would be constructed at the places of Hindoo pilgrimage. By your raising such objections it appears that you are greatly profited by the Pareshnath and you fear that it (the construction of the Bungalow) would stand in the way of your profits. But the Bungalow would be constructed on the Pareshnath Hill only for amusement. It is not intended for putting a check to and standing in the way of your profits. Your zemindari is not situate beyond the Government (British) dominions consequently a site would be selected on the Pareshnath Hill, at some distance from the *mandil* of *Deotas* and Bungalow would be built thereon for the purpose of recreation. The road for coming and going will also be constructed at a distance from the Pareshnath *mandil*. It is improper on your part to object thereto.

Dated the 13th July 1846 A. D. from the Court of Colonel J. Warsley, agent to the Governor General.

(Sd.) J. W.
Certified to be a
True Copy,
(Sd.) KAILAS CHUNDER CHATTERJEE,
Serishtadar to Commissioner.

Court fee Stamp of eight annas.

Seal.

Valiant Raja Darap Nath Sahi, Zemindar of Palgunje, may you live in safety! This day, a copy of the *Roobkar* (proceedings) bearing the signature of the agent to the Governor General, dated the 13th instant, has been received in reply to the *Roobkar* of this Court regarding your objections as to the construction of Bungalow upon the Pares-Nath Hill, Dewal and *mundil*,—containing orders to the effect that in the opinion of the *Huzoor* the objections of the Raja are improper, because just as Paresnath is a place of pilgrimage, Jaggarnathji, Kashi, Gyaji &c. and many other places are the places of pilgrimage of the people of the Hindoo religion, and Bungalow &c. and other Government buildings have been constructed in all those places but no hindrance or obstacle has occurred in the pilgrimage of the people of the Hindoo religion, that there is no such prohibition that Government Bungalows may not be built in such places as are the places of pilgrimage of the Hindoos, that by the raising of such objections by the Raja it appears that he is very greatly benefited by the pilgrimage to Paresnath and he fears that his profits may, in any way, be injured but as the Bungalow would be built in Paresnath Hill only with the view of recreation, the profits of the Raja or what he gets will not be interfered with, neither it is intended to be done. That this being so there is no difficulty (objection ?) to the construction of the Bungalow, that the principal assistant of the Hazaribagh district do select a site on the Paresnath Hill at a distance from the mandil of the *Deotas* (Gods) of the Hindoos, which may be a fit place of amusement and pleasure and order the construction of a Bungalow thereon that the said Saheb should cause the road for going to and coming from the Bungalow, to be constructed at some distance from the *Mandil*, and that a report of Dewal &c. as per Government orders be sent to the Huzoor as soon as possible, the same being taken from all the Zemindars, for the sudder Government is pressing for it. A Parwana in your name has also been received by this court for sending it to you. Therefore a copy of the Parwana of the *agent Saheb* being kept, it is sent to you along with this Parwana—you will acknowledge its receipt—know it to be of much importance.

Dated the 22nd July 1846 A. D.,

Certified to be a
True Copy,

(Sd.) KAILAS CHUNDER CHATTERJEE,
Sherishtadar to Commissioner.

(Copy.)

No. 719.

From

I. GEOGHEGAN, ESQ,
Under Secty. to the Govt. of Bengal.

To

THE COMMISSIONER OF CHOTA NAGPORE,

Fort William, the 7th February 1865.

Judicial,

SIR,

I am directed to forward to you the accompanying copy of a memorial presented to the Lieutenant-Governor by certain members of the Sreemaul Oswal Sect, complaining of the intrusion of Europeans on that part of the Pareshnath Hill on which their temples and holy shrines are situated and praying for the issue of orders to prevent such intrusion.

2. The Government cannot issue such an order as that prayed for by the memorialists, but I am desired to request that you will instruct the Deputy-Commissioner of Hazaribagh to take measures to warn persons resorting to the Pareshnath Hill against the commission of any of the offences relating to religion punishable under Chapter 15 of the Indian Penal Code.

I have the honor to be,
Sir,
Your most obedient Servant,
(Sd.) I. GEOGHEGAN,
Under Secty. to the Govt.,
of Bengal.

No. 720.

Copy forwarded to Messrs. Watkins and Stokoe with reference to their letter of the 25th ultimo for communication to the memorialists.

(Sd.) I. GEOGHEGAN,
Under Secty. to,
the Govt. of Bengal.

FORT WILLIAM,
The 7th February 1865.

A True Copy.
JOSCELINE F. WATKINS.

Puran Chand Golicha on the one part,
Paresh Nath Sing, on the other.

The question before me is simply which party is in possession of the Shrines on Paresh Nath and in receipt of the offerings made thereto. Very few of the documents filed on either side bear upon the question or are admissible as evidence, but it appears that in May 1866, the Judicial Commissioner of Chota Nagpore decided a case by which he implicitly declares the Jain party Puran Chand Golicha to be in receipt of the offerings and this decision was upheld on appeal. The other party has instituted a Civil suit which will open up the whole question and until its decision it will be sufficient to consider that Puran Chand's party the Jains are in possession of the Shrine and in receipt of the offerings and this is the conclusion at which I arrived on visiting the Shrines last month. The only person at the temple was one Seo Shaha Missir, a Brahmin, employed by the Jain to receive the offerings. Which party is attempting to usurp unjustly rights belonging to the other is a point upon which I will give no opinion.

ORDERED:

That Puresnath Sing, Zemindar of Paulgunge, do enter into a bond of Rs. 1000 to keep the peace towards all persons on Paresnath Hill and have the Jain in possession until the decision of the Civil Court.

June 25th 1867.

(Sd.) E. V. WESTMACOTT,
Asst. Commissioner.

To

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL.

The humble petition of Babu Purun Chand Golicha, resident of Zillah Moorshedabad, Kootewal sett and honorary manager of the Jain temples Situmbury of Pareshnath Hill,

RESPECTFULLY SHEWETH,

1. That there has been litigation for more than three years between the zemindars of Palgunge and the members of the body of which Your Petitioner has the honor to be a representative; previous to which Your Petitioner was in unmolested possession of the Pareshnath Hill, together with the temples and the offerings made to the idols consecrated therein since time immemorial.

2. That on the 17th May 1866, Your Honor's Petitioner established in the Court of the Judicial Commissioner of Chota Nagpore the right of the body he represents to receive all offerings made at the Shrine of Pareshnath by the pilgrims who visited, and consequently to the proprietorship of the said temples. That right had also been confirmed by firman (which is in Your Petitioner's possession and ready to be produced for Your Honor's inspection if necessary) granted by Emperor of Delhi, before the establishment of British dominion in India.

3. That the zemindar of Palgunge has nevertheless instituted another suit on the 25th April 1867, in the Deputy Commissioner's Court of Hazareebagh to contest the validity of the above right on the plea of his having been at the time of the institution of the former suit a minor, in which Your Petitioner was a party defendant. Whereas Your Petitioner submits that the zemindar of Palgunge was not a minor but attained his majority when the said former suit was pending in appeal before the Judicial Commissioner and in the High Court, as would appear from the Robokary of the Deputy Commissioner of Hazareebagh, dated 2nd October 1865, wherein mention has been made as to the zemindary being released from the Court of Wards (a draft copy whereof is hereunto annexed) as the original has been delivered to Your Petitioner's Vakeel at Hazareebagh for the purpose of filing the same in the above suit.

4. That since the institution of the new suit by the zemindar of Palgunge in the Deputy Commissioner's Court of Hazareebaugh, Col. E. F. Dalton, Commissioner of Chota Nagpore, in support and as evidence thereof, has written a letter No. 1211 dated 22nd May 1867, to R. C. Money, Esq, Deputy Commissioner of Manbhoom, in the shape of a decree in favor of the zemindar of Palgunge to prejudice the right to the temples and the offerings to them, decreed to the body Your Petitioner represents by the

highest tribunals of the country and thereby Your Petitioner's religious feelings have been greatly wounded and the Palgunge claimant has been inspired with hopes unwarranted by the judicial decision. A copy of the said letter was forwarded to the Deputy Commissioner of Hazareebagh with a letter No. 1212 for his information and with a request to issue an order thereon, who in return issued a Purwanna, dated 25th May 1867, in favor of the zemindar of Palgunge.

5. That previous to the writing of the letter in question, the zemindar of Palgunge had desecrated one of the temples by breaking into pieces the feet of the deity Your Petitioner and his community worship (which peices are still in existence) and has also, since the publication of the said letter, done damage to one of the Dharamsalas or resting places for pilgrims, near Sitta Nulla, below the temples.

6. That Your Petitioner submits it to Your Honor if such conduct on the part of the Commissioner during the pendency of the suit above-mentioned and in spite of the decree of the judicial Commissioner of Chota Nagpore and that of Her Majesty's High Court and two several letters from the Government of Bengal, be in any way justifiable.

7. That Your Petitioner and his community cannot but regard such conduct on the part of the Commissioner of Chota Nagpore as highly calculated to wound the religious feelings of the whole Jain Community.

8. That Your Petitioner in the name of his community earnestly solicits Your Honor to direct the withdrawal of the letter in question and to adopt such measures as may tend to stop the recurrence of similar orders being issued from time to time by the Commissioner of Chota Nagpore and Deputy Commissioner of Hazareebagh and Manbhoom.

9. That Your Petitioner submits that he has very often cases in respect of the Pareshnath Hill and Modhuban temple for which Your Petitioner prays Your Honor may be graciously pleased to grant such order that the said cases be heard and determined by the Judicial Commissioner of Chota Nagpore or the Judge of the nearest Zillah Court but not by the Deputy Commissioner of Hazareebagh and Manbhoom.

10. That the Deputy Commissioner of Hazareebagh fixed the 7th August last for the disposal of the suit instituted by the zemindar of Palgunge and four months have elapsed since the deposition of witnesses on both sides have been taken but still the same suit is pending and undetermined.

11. That lately the Assistant Commissioner of Govindpore has decided on the 25th June 1867, in favor of an action brought under Section 318 by Your Petitioner retaining the possession of the said offerings on behalf of the Jains and took a recognizance from the zemindar of Palgunge to the amount of Rs. 1,000 to prevent him from interfering with such offerings; an office copy of such decision is hereunto annexed.

12. That up to this time nothing has been done in conformity with the letter No. 719 dated 7th February 1865, from the under Secretary to the Government of Bengal to the Commissioner of Chota Nagpore. Several European gentlemen and those of the regiment still resort near the Pareshnath temple for the purpose of hunting excursion whereby Your Petitioner's sacred cause is vitiated.

13. Your Petitioner as a member of the Jain Situmbury sect has never experienced such interference with their religious rites as at present.

14. *(a)* That the said zemindar of Palgunge passed an order to the effect that when pilgrims are required to visit the temple on Pareshnath Hill from Madhoobun they cannot do so without the help of Doolies which they hire for the purpose of being conveyed on the top of the Pareshnath Hill; such pilgrims should be precluded from the benefit of such conveyance and people coming forward to render such assistance should be driven at once from the Madhoobun and *matticated* and be inflicted with penalty in case of refusal.

14. *(b)* That there is Police thanna at a distance of 12 miles from Madhubun aforesaid so that timely notice of any disturbance there cannot be given to the police. In proof of this, Your Petitioner submits, in the month of November last a murder was committed at Madhubun aforesaid and the case was referred to the Sessions' Judge by the magistrate for trial but the accused through failure of evidence was acquitted. Wherefore Your Petitioner submits that in as much as his gomashta and other servants there are in terms of animosity with servants of the zemindar of Palgunge, of Sitaram and Modun Mohun, they labor under considerable difficulty for their personal safety inasmuch as the assistance of the Police is not easily available.

15. That Your Petitioner begs leave to submit with this humble petition copies of the decisions of the Judicial Commissioner of Chota Nagpore and two of the Honorable Judges of the High Court of Judicature at Fort William in Bengal in the appellate side, as also of the letter addressed by Col. Dalton to Capt. Money, Deputy Commissioner of Manbhoom, 2 several letters from the Government of Bengal, Judgment of the Assistant Commissioner of Govindpore, translation of the letter of Assistant Commissioner of Govindpore together with the original thereof; Persian Robkary of the Deputy Commissioner of Hazarcebagh, office copies of the issues framed by the Deputy Commissioner of Hazareebagh in respect of the date of hearing of the suit brought on by the zemindar of Palgunge and of the Parwannas issued by the Deputy Commissioner of Hazareebagh in favor of the zemindar of Palgunge.

Your Petitioner lastly prays that such relief may be granted to him as Your Honor may think fit in the premises.

13*th December*, 1867.

And Your Petitioner as in duty bound shall ever pray.

No. 1049.

OFFICE MEMORANDUM.

Military Department, the 22nd January 1868.

Babu Khajooram Johory is informed in reply to his letter of the 10th Instant that the opinion of his Excellency the Commander-in-Chief, regarding the occupation as a sanitarium of the Pareshnath Hills is now under the consideration of Government and that the decision which may very shortly be expected will be communicated to him.

(Sd.) A. E. BACON, LT. COL.,
Assist. Secty. to the Govt., of India.

To

BABU KHAJOORAM JOHORY,

P. S.—Since the above was written, the Government has decided that the convalescent depot at Pareshnath shall be given up.

(Sd.) A. E. BACON, LT. COL.,
Assist. Secty. to the Government.

No. 1076.

To

THE QUARTER-MASTER-GENERAL,
Military Department.

SIR,

Having laid before the Government of India, your letter No. 68C. dated 8th Instant with previous correspondence on the subject, I am directed to acquaint you for the information of the Commander-in-Chief, that the Right Hon'ble the Governor-General in Council entirely concurs with his Excellency in thinking that the results of the experiment which has now had a fair and full trial are not such as to justify the expense of maintaining any longer a convalescent Depot at Pareshnath.

2. The Government of Bengal will be informed accordingly.

I am, Sir,

FORT WILLIAM, } (Sd.) H. W. NORMAN, COLONEL,
The 23rd January 1868. } *Secty. to the Govt. of India.*

No. 1077.—Copy of the above forwarded to the Secretary to the Government of Bengal for the information of the Hon'ble the Lieutenant-Governor.

No. 1078.—Copy of the above forwarded to the Public Works Department for information with reference to its docket No. 614 M., dated 15th June 1867.

No. 1079.—Copy of the above forwarded to the Commissary General for information.

No. 1080.—Copy of the above forwarded to the Inspector General of Hospitals, Her Majesty's British Forces, for information.

No. 1081.—Copy of the above forwarded to the Inspector General of Hospitals Indian Medical Service, Lower Provinces, for information.

No. 1082.—Copy of the above forwarded to the Sanitary Commissioner for Bengal, for information.

No. 1083.—Copy of the above forwarded to the Controller of Military Accounts, for information.

By order,
(Sd.) H. W. NORMAN COLONEL,
Secty. to the Govt. of India.

True Copy.
A. E. BACON COLONEL,
Assist. Secty. to the Govt.

Exd.,
P. C. MOOKERJEE.

Stamp Eight Annas.

True Copy
Dy. Commissioner.

No. 12 of 1867.

Dewany Adwalut, Zillah Hazareebaugh.

REGULAR SUIT.

Rajah Paresh Nath Sing ... ... *Plaintiff.*

versus

Poorun Chund Golicha ... ... *Defendant.*

Suit laid at Rupees 12,000 to confirm plaintiff's right *to possession of the Paresh Nauth Hill together* with the Shrines and Idols thereon and to establish plaintiff's right to the offerings made to the gods and other produce of the Hill.

Plaint States.

The Paresh Nath Hill together with the Shrines and Temples thereon *is the hereditary property of the Plaintiff's Thakoor,* Paresh Nath, and *being the God of plaintiff's family.* The plaintiff's family being the owners of the *Hill and from* time immemorial have ever enjoyed the *produce of the same, received* the offerings made to the Gods and *permitted the Pilgrims* and visitors to enter *Shrines.*

During the minority of the plaintiff a dispute arose between plaintiff's mother and the defendants regarding some gold and silver ornaments offered to the Thakoor Paresh Nath, which was decreed by the Judicial Commissioner on the 17th May 1866, in favor of defendant in part.

Although in the abovementioned suit there was a particular thing under dispute and the question as to the right to take that particular thing was accidentally raised, still the defendant by virtue of that decree and other matters not connected with the suit has set up *a right to the Hill and* claimed the whole *of the offerings made to the Gods and interrupted plaintiff's possession in the Hill and Temples.* The cause of action arose from the date of Judicial Commissioner's Decree abovementioned.

The Defendant answered.—

1*st.*—That the Plaint ought to be rejected, the plaintiff having valued his claim at Rs. 12,000 without stating how he had arrived at this valuation.

2*nd.*—It is well known that the Pareshnath Hill is situated half in this Zillah and half in Zillah Manbhoom as the consent of the High Court under sections 11 and 12 Act VIII of 1859, has not been obtained for the institution of this suit in this Court, the claim cannot be heard.

3*rd.*—The boundaries of the Hill not given in accordance with the provisions of Section 26, Act VIII of 1859.

4*th*.—Within the boundaries of the Hill, subject of suit, there are numbers of shrines and temples all of which the plaintiff has omitted to mention. These shrines and temples are worth many lacs of Rupees, the suit not sufficiently valued to the injury of the Stamp revenue.

5*th*.—The suit barred under Section 2, Act VIII of 1859, a similar suit having been already heard and determined by Judicial Commissioner and by High Court on special appeal.

6*th*.—The Hill has been from time immemorial, even from before the time of the English Government, in the possession of the Setambury sect of Jains, the plaintiff has never *had possession of the Hill*, his suit barred by law of *limitation*.

7*th*.—The Temples &c., the property of the Setumbary sect of Jains who have for ages had possession of the Hill, built at great cost Temples thereon and have erected Idols both above and below the Hill.

8*th*.—If plaintiff or his ancestors had ever had any right to the Hill, they would have some time or other sued some of the defendants sect or as possessor would have made some "*Bundbust*" with some of our sect and have taken some documents from them and filed them with the Plaint.

9*th*.—The Idols and Shrines have been erected at different times by different members of the Setumbary sect of Jains: the names of the parties who have had then erected are engraved on tablets, sunk into the foundation of the Temples and Shrines, these ought to be examined personally.

10*th*.—It is an ancient custom that whatever offerings are made these are all placed in the Thakoor's Bunder, the cash being spent in worship, the remainder in charity, in paying servant's wages and in repairing the Temples &c. The Jewellery is entered in the books and kept in the Bunder. The Idols being sometimes ornamented with them. Formerly a suit of this nature was instituted against the mother of the plaintiff and decreed in favor of defendant; the present suit only brought to among the defendants. The plaintiff's statement that he is descended from the God Pareshnath is an incredible one as the God cannot be a man.

11*th*.—The Hill with the Shrines thereon dedicated to the God Pareshnath is known as the Pareshnath Hill. It is well known that only Jains worship the God Pareshnath; the plaintiff is not a member of the Jain sect, his statement that Pareshnath is his family God is false.

The Rajahs of Jhunyah and Kulhop filed separate petitions as third parties, stating that they were also members of the plaintiff's family and entitled to a share in the offerings made by pilgrims on the Pareshnath Hill in certain proportion. That defendant had no right whatever in these offerings.

Exhibits for Plaintiffs :—

I. Fysala of Judicial Commissioner, dated 17th May 1866.

II. *Purwanah*, dated 6th June 1861, issued by the Deputy-Commissioner of Hazareebaugh to plaintiff's mother, regarding the land required for Barracks on Pareshnath Hill.

III. Fysala from Supdt. Revenue Survey, dated 2nd September 1862.

IV. *Purwanah* from Collector, Hazareebaugh, addressed to mother of plaintiff, dated 1st February 1864.

V. Copy of the Decision of Deputy-Magistrate Barbee, dated 29th August 1866.

VI. Copy of Plaint filed by defendant in suit decided on appeal on the 17th May 1866.

VII. *Purwanah*, dated 12th March 1862 from Supdt. Revenue Survey.

VIII. *Purwanah*, dated 21st November 1862, from Deputy-Magistrate, Gobindpore.

IX. *Purwanah*, dated 28th April 1862, from Deputy-Magistrate, Gobindpore.

X. *Purwanah*, dated 2nd November 1860, from Deputy-Magistrate, Barbee.

XI. *Purwanah*, dated 29th November 1860, from Deputy-Magistrate, Barbee.

XII. }
XIII. } Copies of Depositions made by witnesses (decd.)
XIV. }

Exhibits for Defendant :—

I. Same as No. 1 for plaintiff.

II. Copy of an order passed by J. Thomson, Commissioner, on a petition by Luchmon Chund and others.

III. Decision of High Court, dated 14th January 1867.

IV. Do. Do. dated 2nd March 1867.

V. Copy of letter No. 719, dated 7th February 1865, from Secretary Government of Bengal to Commissioner Chota Nagpore.

VI. Copy of Robokary from Collector, Hazareebaugh, dated 2nd October 1865.

VII. Copy of letter from Deputy-Commissioner, Manbhoom, dated 17th June 1860.

The defendant's Agent also wished to file copies of some depositions of parties, still living, which I refused to receive; copies of sentences passed by the High Court on certain persons for singing indecent songs and for reviling the Idol Pareshnath and two documents said to have been given by Jugget Sett to *one Kooshcal Chund*. These last I declined to receive as the defendant's pleaders refused positively in Court to touch them or to put their initials on them, stating that they doubted their genuineness. From the plaint, answer, exhibits and pleadings of the respective Vakeels, it appears that in the year 1866, Pooran Chund Galicha, defendant in the present suit, sued the mother of the plaintiff, then a minor, and also the Collector of this District, as guardian of the minor, for recovery of the value of articles which Pooran Chund Golicha stated had been wrongfully carried off by the servants of the Ranee, as they formed part of a donation made by certain pilgrims to the Rothee under the guardianship of Pooran Chund Golicha. The suit was dismissed by the Lower Court but on appeal

the Judicial Commissioner held that it was proved that some of the articles had been taken by the Ranee's servants wrongfully from Pooran Chund Golicha's servants and therefore gave the latter a decree. Subsequently a special appeal was made to the High Court unsuccessfully and an application for review of judgment was also refused by that Court.

The plaintiff, Rajah of Palgunge, now of full age, sues to *establish his right to the possession of* Pareshnath Hill with *all the temples and shrines thereon* and also to establish his right *to take the offerings made by Pilgrims* at the shrines and temples *on and about Pareshnath, stating that the defendant Pooran Chund Golicha* under colour of the abovementioned decree now lays claim to possession of the whole Hill of Pareshnath and also claims the right to take all offerings whatever made by pilgrims.

The defendant after taking some technical objections pleads that this suit is barred from hearing as a cause already heard and determined, the right to take the offerings on Pareshnath Hill having already been determined in the suit preferred by plaintiff that the defendant as representing the Sitambury sect of Jains and on their behalf is in possession of the Hill from time immemorial; that plaintiff has never been in possession of the Hill and that he is therefore barred from suing by lapse of time. That the whole of the offerings made by the Jains to the Idols and Shrines on and under the Pareshnath Hill belong to the Situmbury sect of Jains and used in religious ceremonies, payments of servants, &c. That all the shrines, temples and bunder in and about Pareshnath Hill were built by different members of the Situmbury sect of Jains and that plaintiff has no claims whatever to any part of the offerings.

The following Issues were fixed for trial :—

1. Whether the suit has been properly valued or not.

2. Whether the Hill, subject of dispute, is situated partly in Zillah Hazareebaugh and partly in Zillah Manbhoom.

3. Whether this Court has jurisdiction consequently to take up this suit.

4. Whether the suit is barred from hearing under Sec. 2, Act VIII of 1859.

5. Whether plaintiff is in possession of Pareshnath Hill and the Shrines &c., thereon or not.

6. If the plaintiff is not in possession of the Pareshnath Hill and its appurtenances; in whom does possession vest.

7. If plaintiff is not in possession, whether suit is barred by limitation.

8. Who is entitled to receive the offerings made by the Pilgrims at the shrines and temples on the Pareshnath Hill.

9. Whether the bunders were erected simultaneously with the shrines or not.

10. If the bunders were not erected simultaneously with the shrines and temples to receive the offerings and how were they dealt with before the bunders were built.

11. Does the Situmbury sect of Jains alone worship Pareshnath and make pilgrimage to and offerings at the shrines and idols of Pareshnath Hill for these purposes and do they make offerings or not.

12. Is the defendant's bunder the only bunder in which presents are received.

13. Is Pareshnath worshipped by the plaintiff or not.

14. Are there any shrines, temples or idols on Pareshnath Hill except those belonging to the Situmbury sect.

With regard to the first issue the plaintiff's pleader has pointed out that this suit was instituted before Act XXVI of 1867 came into force, and that plaintiff can come under the provisions of the latter portion of note (e) Ch. II schedule B of Act X of 1852. The plaintiff's pleader argued that instrinsic value of the Shrines &c., on Pareshnath Hill, is very small, but that owing to the sanctity of the Shrines after dedication. no price that could be mentioned would be accepted as a selling price, for no Hindoo would put a price on his God or his Shrines, and as the Hill could not be separated and valued separately from what was erected on it, it was impossible for his clients to estimate its selling price, that his client moreover would not sell the Hill for any price that could be named, that it was impossible to estimate the amount received from the Pilgrims' offerings, more being received in some years than in others, and no estimate can be made of voluntary offerings. The defendant's pleader argued that by the evidence of the witnesses it has been clearly shewn that the value of the Shrines are many lacs of Rupees and that though more of the witnesses have stated the exact value, yet they have clearly proved that the estimate put by the plaintiff on his plaint is much below the valuation that ought to have been put on it, that at all events the plaintiff could have shewn the value obtained by him from the wood and Bamboos cut on the Hill. In my opinion the plaintiff being unable to fix any selling price on the Hill or justified in valuing the suit as he has done, it is not shown that the Hill is a separate estimate paying a fixed Revenue to Government and if the defendant's witnesses themselves cannot fix any determined valuation even on the Shrines situated on the Hill, merely stating that they are worth lacs of money, the valuation placed by the plaintiff on his plaint being sufficient to bring the suit under my cognizance I *find that the suit is sufficiently valued.*

With regard to the second issue I find that it is proved by the evidence of the witnesses that Poreshnath Hill is situated wholly in Godi Palgunge in Zillah Hazaribaugh. I am confirmed in my opinion from an inspection of *mandir* and map No. 10, District Hazaribaugh, prepared by Major G. H. Thompson, Revenue Surveyor in 1860-61, in which the Hill in dispute is mapped as situated wholly in Zillah Hazaribaugh. I further find that if this objection had any force whatever, the defendant had virtually waived his right to make this objection having himself sued in Zillah Hazaribaugh on a cause of action which arose on the Hill now in question. This Court is not therefore barred to proceed under Secs. 11 and 12, Act VIII of 1859, and to ask the

sanction of the High Court before entering into this suit. The third issue is governed by this finding on the second issue.

With regard to the fourth issue I find that the present suit is not barred from hearing as a cause already heard and determined. The very first point raised by plaintiff in this suit and contravened by defendant differs *in toto* from the former cause of action. The plaintiff states that he is in possession of Hill called Paresnath and that defendant is endeavouring to injure his (plaintiff's) right in the Hill. Defendant denies that plaintiff is in possession and declares that the possession vests in himself as representing a sect of Jains. This point was never in issue in the former suit and therefore the present suit is not barred as a cause heard and determined.

The 5th, 6th and 7th Issues may be considered together. In my opinion it is fully and clearly proved that the Hill called Pareshnath is situated *in Godi Palgunge, the hereditary zemindary of plaintiff and that plaintiff is moreover in possession of Hill.* I considered these points fully proved by the evidence of the plaintiff's servants who have been employed by him in collecting the royalty on wood and bamboos cut by parties on the Hill, corroborated by the evidence of the managers or gomastahs of the 2 Kothees (called the upper and lower Kothee respectively) and also by the depositions of many men of the sect of Jains (whose evidence has been taken by commission) who have visited Pareshnath on pilgrimage; added to this is the evidence afforded by the terms of the Purwanahs addressed to the plaintiff's mother by the different Executive Officers of the District, the Magistrate calling upon the plaintiff's mother as Zemindar to furnish provisions on Pareshnath Hill for the *Lieutenant Governor, the Collector calling upon* her to fix her price for the *land about to be taken up under Act VI* of 1857 on Pareshnath Hill *for Barracks for troops; by the Surveyor* to mark out the boundaries *of the Hill.* It is also further shewn by the copies of the Revenue Surveyor's proceedings that the Hill was demarcated without dispute by defendant or any one on his part *by and with* plaintiff although on *the part of* defendant many of his witnesses whose depositions have been taken by commission, state that the whole Hill is in possession of the defendant as representatives of Setumbary sect of Jains and that they have seen a *Purwanah* given by Jugget Sett to this effect in defendant's Gomastah's possession yet others of defendant's witnesses acknowledge *that the Hill is situated in plaintiff's Zemindary and that he is in possession of the Hill and takes the* Royalty on the wood and Bamboos cut on *Hill as regards the Shrines situated on* and below the Hill. It is, I think, equally clear that the plaintiff is *not in possession of them.* It is clearly proved by the plaintiff's *witnesses* Chutter Putty Lall and Seetaram Pundit that the Kothees or Bundars below the Hill at Madoobun are in the possession of the descendants of those parties who built these Kothees or Bundars and that plaintiff has no possessory right in them as regards the Shrines and temples on the top of the Hill. I consider the plaintiff has equally failed to prove any proprietory right in any of the Shrines or temples situated on the top of the Hill. The defendant also has failed in showing that he has any pro-

prietory right in any of these Shrines or Temples on the top of the Hill; the defendant describes himself as the Gomastah on the part of the Setambury sect and states that these Shrines and temples were built by members of the Setambury sect but totally fails in producing any evidence as to his appointment or as to the parties who built the Shrines originally. Indeed the only witness for defendant who speaks to the erection of any of the temples (Bholanath Chund) deposes only to the erection of the temple below the Hill having been erected by Koothyal Chund and states that the greater part of the temples and Shrines have been erected within the last fifty years and that when he first visited Pareshnath Hill, only one temple without any Bunder was standing below the Hill. It would have been easy therefore for the defendant to have proved who built the Shrines on the Pareshnath if, as he asserts, these had been built by members of the Setumbary sect and made over to defendant's care. On the other hand, I find it proved by the evidence of the witnesses that the plaintiff has, by repairing these shrines when fallen into disrepair, by keeping servants to look after them and by taking the offerings made by Pilgrims on the Shrines and abandoned by the Pilgrims, obtained a species of possessory right over these Shrines and that brings me to the consideration of the 8th Issue. In my opinion it is clearly proved by the evidence of the witnesses on both sides that there are two kinds of offerings made by the pilgrims visiting Pareshnath and the Shrines on and about the Hill—the one offering is what is called "Charbawall" and is offered direct to the Idol on the foot-mark of Pareshnath embodied in the Shrines, and which offering is abandoned as rendered too pure (Nirmul) by dedication to be touched; the other offering is more in the nature of a subscription for the adornment of the Kothee and for expenses incurred by the Gomastahs of the respective Koothees in performing daily Poojah at the temple under their charge and other expenses incurred by these Gomastahs. Of the first species of offerings no account is made or taken by the Pilgrims and these it is, I consider, clearly proved by the best evidence namely that of many Pilgrims who have visited Pareshnath are taken by the plaintiff by the hand of the servant appointed for the purpose. I consider it also clearly proved that all the expenses made on the top of Pareshnath are of this first nature. In my opinion it also proved that the offerings made below Pareshnath are of both kinds,—that the "Charbawall" offerings made below the Hill are also taken by the plaintiff but that the plaintiff has no claim whatever to any part of the money Jewellery &c, that are given by pilgrims for the use of the Bundars or Kothees and that these presents are exclusively the property of the Bundar in which presented. I consider the evidence of the witness Chutter Putty Lall and Setaram Pundit, the manager of the Upper and Lower Kothee, corroborated as it is, by that of many pilgrims who have visited Pareshnath clearly proves that the plaintiff has always received the offerings called "Nirmul" and he has the right to take them—the right having accrued to him by custom and usages for very may years past.

With regard to the 9th, 10th and 12th Issues, I find that it is clearly proved by the evidence of the witnesses for the plaintiff and also by that of some of the witnesses for

defendants, that there are 3 Bundars or kothees below the Hill, only one of which belongs to the defendants, that offerings and presents are made in all the three Bundars, that these Bundars were not built simultaneously with the Shrines as when some of the witnesses who have been examined first visited Pareshnath on pilgrimage although the Temple or Shrine were in existence they state that no Bundars were then built and that the offerings then made in the Shrine were taken by the ancestors of the plaintiff. These witnesses also depose to the Bundars being built at a latter period and to the number of Shrine on the top of Pareshnath having very much increased when visited by them at subsequent periods; these statements corroborate that of Dillee Kahur, plaintiff's witness who states that the Bundar of the Upper Kothee was built only some 50 years ago.

With regard to the 11th and 13th Issues, I find that both the Situmbury and Degambury sects worship the Idol Pareshnath, that both alike make pilgrimage to Pareshnath and make offerings there and that the Setambary sect have no exclusive right of visiting on pilgrimage Pareshnath and making offerings there. The evidence given by plaintiff's witnesses, members of Degumbary sects of Jains, corroborated by that of many of defendants own witnesses proves these points clearly notwithstanding the denial of many of the Setambury sect that Degumbaries worship Pareshnath, for though one sect may and often will say that a different sect does not follow such and such a custom, no Hindu will say that he follows a custom or worship a particular Idol if the custom or the worship of the Idol is prohibited to him, indeed the names of the sects themselves explains the difference of the customs, the Situmbury sect adoring their Idols and dressing them, the Degambury sect worshipping naked Idol.

Lastly, it is I consider fully proved that the plaintiff does worship the Idol Pareshnath. I place no reliance on the statements of the witnesses who admittedly confess that they have never seen the plaintiff nor visited Pareshnath or the plaintiff's house and yet can speak as to the plaintiff's religion. Whereas the evidence on this point is overwhelmingly in favor of the plaintiff, who moreover would not if he had been no worshipper of Pareshnath, have permitted such an issue to be raised; for if by family practice the plaintiff is not a worshipper of Pareshnath his assertion alone would be sufficient to throw him out of caste and out of the pale of the society of his own relatives. To sum up—

I find *that the Pareshnath Hill is situated in Godee Palgunge*, Zillah Hazareebaugh, in *zemindary and in the possession of the plaintiff* who worship *as his family God the Idol Pareshnath.* That on this Hill of Pareshnath shrines and temples have been erected by the members of the Jain religion, some of them being of very long standing, that these Shrines and temples after dedication left unguarded and *unprotected by founder* and builders.

That below the Hill there are also many Shrines and also 3 principal Bunders or Kothees erected at a later date that these Shrines and Bundars below the Hill have been retained in the possession of their founders and to this day

in the possession of the descendants or representatives of the original founders. That of these 3 Bundars in the Upper and Lower Kothees or Bunders belong to the Degumbury sect and the middle Kothee or Bundar, to the Setambury sect; and the manager-ship of the defendant. That the Hill of Pareshnath is vested on the Jains of both sects (*viz.* Setambury and Degumbary) alike. That though in some of their customs these sects differ, still that they both alike perform pilgrimage to Pareshnath Hill, worship in the Shrines and temples, both above and below the Hill and make offerings at the temples and Shrines both above and below the Hill and that these offerings are of two kinds. The one called after being offered, Nirmul and is of the nature of a present to the Idol or its foot-mark and which is then abandoned as too pure to touch the pilgrims. The other offering is of the nature of a present to the manager of the Bundar or Kothee and intended as a subscription for the worship of the Idol for keeping up the Bundar, its protection and for payment of servants &c. That the first description of the offering is made both above and below the Hill in the Bundars. That the plaintiff has a right to take the offering first described and called "Nirmal," but that plaintiff has no claim to the second species of offerings which is the right of the manager of the Bunders in which the said offering or present is made. That though the plaintiff has no proprietory right in any of the Shrines or temples, either on the Hill or below it, yet by appointing Poojoories, keeping up watchmen and by repairing the Shrines on the Hill, he has obtained a possessory right in these Shrines and temples on the Hill, that the plaintiff has no possessory or other right in the shrines and Bundars below the Hill. I therefore

ORDER:

That a Decree be passed in favor of the plaintiff. It is ordered and declared that the plaintiff *is in possession* of the Pareshnath Hill as his *Hereditary Property and also in possession of Shrines* and temples situated on the *top of the Pareshnath* Hill. *It is further* ordered and decreed that plaintiff is entitled to take all *the offerings made* by the pilgrims at the Shrines and temples situate on the top of *the said Pareshnath* Hill. It is however declared that the plaintiff has no claim whatever to the offerings or presents made to the Bundars or Kothees of the Idol Pareshnath situated below the Hill and called respectively Upper, Middle and Lower Kothee. That these last mentioned offerings are presents made to those Bundars are the exclusive properties of the Bundar in which the said offering or present may have been made and the plaintiff's claim to take these offerings or presents is hereby dismissed; costs of plaintiff to be paid by defendant with interest at 6 per cent per annum till liquidated.

HAZAREEBAUGH,
25*th June* 1886.

(Sd.) H. M. BADDAM,
Dy. Commissioner.

Act IX of 1869.	No. 2.

Notice under Section 16 of the Indian Income Tax Act.

No. 1473.

To Rughoo Nath Pandeh, Agent of Babu Poorun Chund Golicha, Majhli Cootee, Madhubun.

The 14th December 1869.

Notice is hereby given, that according to part IV, Act 9 of 1869, tax has been assessed upon you, as per undermentioned particulars. If you do not pay this tax on or before the date fixed, you shall be dealt with according to the law. The said tax shall have to be paid at 10 A. M. 28th December 1869, to Assistant Deputy Collector Babu Biressor Chakervati, who will grant a receipt for the same.

Probable source or sources of income or profits.	Place or places district or districts where income or profits accue or arise.	Estimated amount of income or profits.	The year or portion of the year for which the tax is to be paid.	The amount of tax to be paid.	When to be paid.
Mahajani and profits of hill	Mouzah Madhuban Gadi Palgaon.	Not less than Rs. 9,000, but less than Rs. 10,000.	The year ending 31st March 1870.	Rs. 94-0-0.	Within 15 days of the service of this notice, if the amount of the tax be equal to Rs. 24; or if it exceeds that amount, (then add the following) if you pay half within 15 days of the service of this notice, you can pay the remaining half in or before October 18 A. D.

Seal illegible, perhaps of the Collectorate.

25th November 1870.
Initials illegible.
Initials illegible.

(Sd.) B. Chakerbutty,
Asst. Collector.

It should always be borne in mind that the option given to make payments in two instalments shall be forfeited if the first instalment be not paid within 15 days of the service of this notice.

Pursuant to orders of 25th November 1871, this document is, on the application of Baboo Gopal Chunder Chakrabatty general Mukhtar of Baboo Hurak Chand Galicha, returned to the said Mukhtar without retaining a copy the 29th November 1871.

Signature illegible.

Act IX of 1869.	No. 3.

The 25th September 1870.

(Initials illegible)

Seal of the Assessor, Income Tax.

No. 1473. The 27th December 1869.

Receipt under Section 18 *of the Indian Income Tax Act.*

Upon receipt of the sum of Rs. 94, (it is also to be stated here whether the first or second instalment of such Tax), Income Tax as per undermentioned particulars, assessed upon Raghoo Nath Pandeh, Agent of Poorun Chund Golicha, by Baboo Dwarka Nath Biswas, under Act IX of 1869, from Raghoo Nath Pandeh, Agent of Poorun Chund Golicha, this receipt is granted.

Source or sources of income or profits.	Place or places, district or districts where income or profits accrue or arise.	Amount of income or profits.	The year or part of the year for which tax is paid.	The amount of tax with fine if any imposed.	When paid.	The instalment payable in or before October 18 the amount of the balance if any.
Mahajani and profits of hill.	Mouzah Madhuban Gadi Palganjo.	Not less than Rupees 9,000 but less than Rs. 10,000.	The year ending 31st March 1870.	Rs. 94-0-0.	The 27th December 1869.	Repaid Rs. 6-10-8 under Section 34 Act IX of 1869. 27-12-69. Received Ninety four only. (Sd.) B. CHAKARVATI, *Asst. Collector.* Repaid 6-10 8. *B. C.*

NOTE.—If the receipt be for one instalment, it should be stated across the receipt whether the first or second instalment.

(on back.)

Pursuant to the orders of 25th November 1871, this document is, on the application of Baboo Gopal Chunder Chakravarti, general Mukhtar of Baboo Harak Chand Golicha, returned to the said Mukhtar without retaining copy. The 29th November 1887.

(Signature illegible.)

Copy.

COURT OF THE JUDICIAL COMMISSIONER, CHOTANAGPORE.

Present:

COLL. E. A. ROWLLATT, *Offg. Judicial Commissioner.*

The 26th April 1870.

No. of 1870 — *Appeal, Criminal Side.*

Baboo Dhun Pat Sing ...
„ Goor Bux ...
„ Ojha ...
„ Sook Lall ... } *Appellants.*

Against the order of Mr. H W. Mackenzie, Extra Assistant Commissioner of Pachamba, dated the 3rd March 1870, sentencing the appellants to fines under Section 148 of the I P. C., and binding them over recognizances to keep the peace.

In this case the accused have been punished for having committed the offence of rioting, armed with deadly weapons on the occasion of the visiting the Pareshnath Hill on the 25th February last. The complainant is a servant of the Palgunge Raja and states that whilst at the Aunath Nauth temples, the accused Dhan Pat Sing and his party came there and that the accused Sook Lall Tewary took possession of the offerings and that on his remonstrating against the proceeding, he was first pushed by Goor Bux and then by Oja, when he fell upon a rock and was stunned. This statement with some discrepancy is supported by the evidence of the prosecutors' witnesses, mostly however also servants of the Palgunge Raja. The Inspector of Police who arrived shortly after found the Prosecutor lying on the ground somewhat stunned with the marks of *abrasion* on the skin of his back. The statements of the accused are that they went to visit the Shrines on the Pareshnath Hill and that after Dhun Pat Sing had made his offerings those were taken by Sook Lall Tewary, who states that he took them in accordance with the orders he had received from his Master Pooran Chund Golicha; they deny that anything more than a struggle took place with the prosecutor.

It appears that for a very long time a dispute has been going on between the Raja of Palgunge and the Jains as to which party has the right to the offerings made at the Pareshnath temples. A good deal of litigation has been resulted and may still be going on. But I find that it was decided by this Court in appeal from the decision of the Assistant Commissioner of Hazareebaugh on the 17th May 1866, that it was the Jains and not the Palgunge Raja who had the right to receive all the offerings made at the Shrines in the Pareshnath Hill. This decision has not been received and as long as it stands good, it must be held to be binding on all parties. Now, looking at the conduct of the prosecutor in view of this decision, it

appears to this Court that he was altogether wrong in remonstrating against the offerings made at the Annath Nath temple, having been taken away by Sook Lall Tewary. He had no business there at all on the part of the Raja and ought not to have interfered with the agent of Poorun Chund Golicha who is the representative and Manager of the temple on the part of the Jain Society. On the other hand, however, all the accused cannot be held to be blameless for they have not stated that the prosecutor endeavoured to take away the offerings from Shook Lal Tewary. Had they done this and proved it, they then would have been perfectly justified in acting as they did, as it would have been in right of private defence that they pushed the prosecutor away. As it is, however, they appear to have used unnecessary violence merely because the prosecutor remonstrated and objected to their taking the offerings away. The offence committed however was simply an assualt and nothing more, as there is nothing to shew that they assembled for the purpose of forcibly taking possession of the offerings. The accused Dhun Pat it appears has permission to carry arms and the object of the party in proceeding to Pareshnath was evedently to visit the shrines not knowing they would be wrongfully opposed by the Raja's Servants in taking away the offerings. The occurrence which followed was provoked by the unjustifiable interferene of the prosecutor and the finding therefore must be that accused committed offence, punishable under Section 352 and not under 148 of the I. P. C. and viewing the matter, in this light, this Court reduces the fine levied on Baboo Dhan Pat Sing, who certainly was present aiding and abetting that offence which he could have prevented if he chose, to 100 Rs. and Sook Lal Tewary must be exempted from punishment altogether, as he was merely acting in execution of such orders as his master had a legal right to give him and he did not join in the assault. Goor Box and Oja having been fined only 50 Rs. each, there is no appeal allowed against that order or against that directing the accused to enter into their own recognizance to keep the peace. Half the fine imposed on Baboo Dhan Pat Sing and the whole of that levied on Sook Lall Tewary must therefore be returned if paid, and the order of the Lower Court altered and amended as above.

(Sd.) E. A. ROWLLAT,
Officiating J. L. Commissioner.

Copy of an order of the Assistant Commissioner of Sub-Division Karharbaree.

Mittan Ghatwar ... ... *Prosecutor,*

versus

Dhunpat Sing and others ... ... *Defendants.*

Read proceedings and memos by the Assistant Commissioner Captain Samuells.

From these it will be seen that the subject matters of Miscellaneous case are certain offerings connected with a case, which occurred in February last. Mittan Ghatwar *versus* Dhunpat Rai, Sooklall Tewaree and others in which the Extra Assistant Commissioner, Mr. Mackenzie, finding the defendants guilty of an offence under Section 148 I. P. C., sentenced them to fines of various amounts. No order was however made with regard to the disposal of the property, *viz.* the offerings and it was not until petitions claiming restoration of the offerings were made that any proceedings were taken at all in the matter. For the various reasons given in the proceedings and memos above referred to, the decision of the claim was repeatedly postponed and when I received charge of the Sub Division, I found the claim still pending decision. The Assistant Commissioner fixed the 5th December for the hearing of evidence on both sides and called upon the parties to be present on the spot with their proofs and witnesses. There is no record however to show under what section of what law this proceeding was intended to have been held and I am at a loss to find any section applicable to this particular case. The Court in the Criminal Case alluded to, did not pass any order under section 132A, Criminal Procedure Code, regarding the disposal of the property in question, and it appears to me that the said property must be returned to the party in actual possession of the property at the time the offence, which was committed regarding it, took place. It is entirely out of the jurisdiction of this Court to go into any question of right to the property and I have therefore proceeded to enquire and ascertain from the records who was in actual possession of the property at the time the offence was committed. The Complainant in the case in question was one Mittan Ghatwar and his complaint was that the defendant Sook Lall Tewaree at the instigation of Defendant Dhunput Singh proceeded to take up the offerings in question and that when he (Complainant) tried to interfere he was assaulted. The defendants were found guilty of rioting by the Court of first instance, the finding was modified to one of assault in appeal before the Judicial Commissioner but in special appeal the whole proceedings were set aside by the High Court for want of jurisdiction and all punishments remitted so that virtually the Defendants may be said to have committed no offence in the eye of the law. If therefore the man Sook Lall Tewaree com-

mitted no offence in the eye of the law by taking the offerings, it appears to me perfectly clear that the offerings ought to be returned to him. He has not appeared in person to prosecute his claim but a representative of the Jain Situmbari sect has appeared in his stead and his appearance has been sanctioned and his claim admitted by my predecessor the Assistant Commissioner; the offerings must be therefore made over to him as appearing on behalf of the Situmbari sect of the Jains on whose behalf the man Sook Lall Tewari went to collect the offerings. I therefore order that the offerings in question now in Court be made over to Gopal Chukerbutty on behalf of the Situmbari sect of the Jains on his giving a receipt for the same and that a proclamation be published at the three temples at Modhubun and be communicated to the Situmbari Jains and the Palgunge Rajah informing them that this order does not in any way affect offerings made since February last or those made now; with regard to which the Assistant Commissoner's orders of attachment will continue in force until further orders.

PACHAMBA, } (Sd.) W. NAPIER CAMPBELL,
The 11*th January* 1871. } *Extra Assistant Commissioner.*

The Petition of Raja Paresh Nath Sing Malik, Zamindar of Gadi Palgunge, Pergana Kharakdih. Dated 17th April 1871 *A. D.*

Stamp Eight Annas.

Entered as No. 127.

ORDERED
That it be put up with the record.
The 9th May 1871,
(Sd.) GOPAL NARAIN, PESHKAR.

True Copy,
W. CAMPBELL,
Assistant Commissioner.

Copy agreeable to the original.
(Sd.) GOPAL NARAIN, PESHKAR.

Case for offerings made on the Pareshnath Hill.

Raja Pareshnath Sing, Malik Zemindar of Gadi Palgunje, Purgannah Kharagdih, Petitioner.

The Court has been pleased to place this Case in the miscellaneous department for trial. One Harakh Chund Golicha, styling himself, as honorary manager of Situmbari Jains, has become a party in it. Your petitioner therefore begs to represent the under-mentioned matters.

I. From the time of your petitioner's ancestors the Pareshnath Hill in his Zemindari has continued in the possession of his ancestors and himself, one after another, and it is still in his possession. Besides other proofs there are proceedings of civil authorities. When construction of bungalow &c., on the Pareshnath Hill was sanctioned by the Government, they were constructed by taking lands from your petitioner. Again, when those very buildings were sold they were transferred to your petitioner as he was the proprietor and in possession; and accordingly the Government buildings are still in possession of your petitioner by virtue of purchase. Again, when owing to your petitioner's minority his zemindari came under the Court of Wards, the profits arising from wood and bamboo and the offerings made on the Pareshnath Hill and to the temples were, regard being had to his injury and inconvenience, relinquished to his guardian, and he was in possession and occupation without any opposition by any body else. In proof of this there exists documentary evidence, that is, decisions passed by the Commissioner and the Deputy Commissioner. The Court will be pleased to peruse them, and to examine the witnesses named under.

II. During the minority of your petitioner, Babu Poorun Chund Golicha brought a regular suit to which

allusion is made by Babu Harakh Chand Golicha in his petition. But when execution of the decree of the Judicial Commissioner in that case was sued out against your petitioner, it was, upon hearing of his objections, not enforced against him; but, on the contrary, the costs of and incidental to his objections, were awarded him. Against that order Babu Poorun Chand took no steps; and so, the order still stands final, and he cannot have any manner of objection to it now That being so, when the decree of the Judicial Commissioner could not be enforced against your petitioner; and the order setting it aside, has become final, that very decree cannot now be again used in evidence, as against him, nor can it be of any force as against him. On this point, a copy of the decision disposing of your petitioner's objections, and holding that the said decree could not be enforced against your petitioner is filed with the record; and the Court will be pleased to peruse it.

III. The allusion made by Babu Harakh Chand in his several petitions, to a decision under Sec. 318 of the Criminal Procedure Code is utterly idle and useless. That decision is not put in; but only an allusion is made to it in a Government resolution From this it does not clearly appear whether that decision was produced before the Government or an allusion was made to it in the resolution because mention was made of it in some petition or paper. Besides to the best of your petitioner's knowledge there was no such case. Again, upon a careful consideration it will be perceived that it is not likely that a case in respect of offerings made to temples should have been decided under Sec. 318, Act 25 of 1861, in as much as no such case can lie under the said Section This being so, the contention made by Babu Harakh Chand simply in reliance upon the Government resolution, under Sec. 318 of Act 25 is, under the circumstances, utterly unfit to be entertained.

IV. The processes of the Criminal Court at Govindpore which Baboo Harakh Chand has produced contain mention of the Jains, but only of the Situmbari Jains. But the fact is that your petitioner too is a Jain, and has all along worshipped Pareshnath Thakoorjee, so much so, that there is a temple of the Pareshnath Thakoorjee even at his place of residence in Palgunge, where people of the other Jain sect also resort to for devotional purposes. That being so, even if those processes of the Criminal Court be used in evidence as stated by the above-named Babu, still it cannot be used in evidence as against your petitioner, until all the Jain Sects namely Digambari, Bishpatti Terahpatti and Situmbari come forward and become plaintiffs.

V. There can be no case at the instance of an individual Jain, like that at the instance of Baboo Harakh Chand. For, on reference to a High Court decision, it will appear to this Court that it has been held improper that that case should proceed with Babu Poorun Chand (whom Baboo Harakh Chand wants to represent) as plaintiff.

That being so, no person of the same position, and particularly of the same capacity, can again bring a case, and get it tried; for, none can in anyway be brought, as Babu Harakh Chand wants to bring, in opposition to the decision passed by the Civil Court, (High Court); because, if any order is passed in a case with such a person, as plaintiff, there would be the same irregularity and inconvenience again.

VI. Baboo Harakh Chund says, that according to the custom of the family he has become honorary manager; that the late Poorun Chund was his brother; and that after his death, he has become honorary manager conformably to the long standing custom. This is utterly false. Originally, for sometime, Baboo Partap Chund managed the Majhli Cooty. After him for a short time, Baboo Dharam Chund, father of Baboo Poorun Chund was manager, and after him Babu Poorun Chund. Now, Baboo Harakh Chund sets himself up, as brother of Poorun Chund, and wants to interfere in this Case. Now, your petitioner begs to submit, that had there been honorary managers of Jain family, as Baboo Harakh Chund sets himself up, without any writing, then certainly there would have been no writing before also. But, from the decsion of the High Court, it appears, that in that Case, Poorun Chund produced a certain Mukhtarnamah from Jugut Set Saheb. Besides this, had this been the practice of the Jains, as stated by him, Babu Harakh Chund, then Baboo Dhunput Singh Roy Bahadoor, and Babu Luchmiput Roy Bahadoor, surviving members of the family of Babu Partap Chund, would have become managers, and not Dharam Chund Golicha, after Partap Chund. And Poorun Chund has left a son by name Paresh Chund, or Noresh Chund, who is in possession of his estate. He would have become manager, and not Harakh Chund, who is not even uterine brother of Poorun Chund. Harakh Chund is son of Karam Chund Golicha; and Poorun Chund was son of Dharam Chund. Such being the case, by way of imposition, he, Harakh Chund, claims to be heir and representative of Poorun Chund, and wants to raise dispute with your petitioner. In addition to this, there is one thing very plain. If, according to himself, Harakh Chund is brother and representative of Baboo Poorun Chund, he must have, after his, (Poorun Chund's) death, obtained a certificate of heirship, a thing most necessary, and let him produce it. The Court will be pleased to ascertain from his, Harakh Chund's, Mukhtar, whether the names of the fathers of Harakh Chund, and Poorun Chund, as given above, are correct, and whether Poorun Chund has left a son, who represents him, as his heir, or not. If he denies, the matter be investigated by the Moorshedabad Civil Court; and your petitioner too is prepared to prove it.

VII. The offerings made to the temples of Sree Thakoor Pareshnath Provujee, both up and down the hill, have all along continued to be the right and in the possession and occupation of your petitioner's ancestors and your petitioner himself. In proof of this there are the managers

of the *upri* (up) Cooty and the *nichi* (down) Cooty, men on behalf of the Jain Sect, and decisions of the Hazaribagh Civil Court. True, those decisions have not been upheld by High Court, but that Court did not ignore, nor object to such right and possession of your petitioner, but disposed of the case as a nonsuit on the grounds that no cause of action had arisen and that Baboo Poorun Chund had no right to raise any dispute. That being so, what authority or right can such nominal party, led away by selfish motive, as Baboo Harak Chand is, have to raise dispute.

VIII. Babu Poorun Chand instigated by Khajooram, several times attempted to establish some right of his own to the lands of, and offerings made at, Madhoobun and the Hill. It is at Khajooram's instigation that Babu Harakh Chand in suppression of the actual state of things claims by imposition to be the representative of Babu Poorun Chand and appears in this case. Also before this he raised disputes regarding the lands &c., of Madhoobun which led to the institution of the proceedings under Section 318, Act 25 of 1861. At that time Khajooram at first disclaimed all connection with Poorun Chand, but afterwards produced certain *Sanads* said to have been granted by Moghul emperors which were found to have been fabricated and a decree passed in favor of your petitioner, and they exist on the record. In the like manner he now wants to impose upon the Court and to suppress the real facts through Babu Harakh Chand, in order to harass and vex your petitioner and to injure and prejudice his right. When the above matters will come to light upon investigation, he cannot succeed in his dishonest attempt.

IX. Before the receipt by the police of the offerings made on the hill and since their deposit in the Court, your petitioner has all along received the same, a fact well known to the Madhoobun Police officers and the Amla of this Court, who often accompanied the former Assistant Commissioner to the spot. Such being the case, the offerings which are already deposited and may hereafter be deposited until the passing of order ought to be given back to your petitioner. Babu Harakh Chand can be no party in this case; nor can it be decided in his presence. It is prayed that after consideration of all the above circumstances and summoning the witnesses named at foot, and investigating the matter of heirship and representativeship of Harakh Chand to Poorun Chand who, in point of truth, is not in such capacity to raise dispute with your petitioner, justice be administered.

Names of Witnesses.

Babu Doorga Parsad Pundit, residing at the *Upari Cooty*, Madhoobun 1
Lala Lalit Ram, of Tara Tand, servant of Babu Doorga Parsad Pundit 1
Harakh Nath Ray, servant of Ditto... ... 1
Charkukoda, servant of Babu Doorga Parsad aforesaid 1

Lala Ramnarainloll, agent, *Nichi-Cooty*, Madhoobun 1
Meghun Singh, servant in the *Majhli-Cooty* ... 1
Sona Chand Marwari, inhabitant and shop-keeper of Madhoobun 1
Thacoor Dass, residing at Madhoobun ... 1
Kriparam Marwari, inhabitant of Pukri and shop-keeper of Madhoobun 1
Syad Mohamed Hossein, sub-inspector, Station Kharakdih 1
Permeswar Doyal of Hurdozen, Purgana Shahar-ghati 1
Nurcoopersad, Pleader of Hazaribagh ... 1

To the high in dignity Srijoot Raja Pareshnath Singh, Son of Raja Drip Nath Singh, deceased, Caste Baghal Rajput, occupation Zemindary, inhabitant, proprietor and zemindar of Gadi Palgunj, Pergunnah Kharagdiha, Sub-Registration District Karharbari, Registration District Hazaribagh.

I Srijoot Babu Horruck Chund Golicha, Honorary Manager, Jain Situmbury Society, residing in Azimgunj, Pergunnah Marwaripore, Police Station Ashunpura, Sub-Registration District Moorshedabad, Registration District and District Moorshedabad, execute this instrument of Ikrarnama to the effect following:—

That in the District of Hazaribagh, Sub-Division Karharbari, Pergunnah Kharagdiha, Thana Pachamba, there exists within the Gadi of Palgunj on the Pareshnath Hills, a principal place of pilgrimage for the followers of the Jain religion. From times immemorial this holy place has been under the charge of the Jain Situmbury Society and they have been all along performing the *Sheva, Pooja, Teeruth, Durshun &c.* of the idols and footmarks &c. placed in the temples of the said Jain Situmbury Society. Now, from several years various disputes have been going on between you and the Jain Situmbury Society; and the members of the Jain Situmbury Society being strangers and inhabitants of far distant places, having occasion to go there simply for the purpose of pilgrimage and you being the zemindar of that place and having great influence in that quarter, it is very difficult and extremely inconvenient for the Jain Situmbury Society to carry on disputes and litigations with you; and it is calculated to affect the observance of the religious rites of the Jain Situmbury Society. Although the suit has been decided by the Court of the First Instance in favor of the Jain Situmbury Society yet in some shape or other suits are cropping up. For these reasons the Jain Situmbury Society consider it desirable to enter into an amicable settlement with you. Wherefore the Jain Situmbury Society do hereby declare that from the 1st of June, year 1872, A. D., one thousand eight hundred and seventy-two to the 31st of May, year 1875, one thousand eight hundred and seventy-five (that is), during the three years, whatever offerings shall be made by pilgrims professing Jain religion at the temples at present existing in the Hills. Out of the same excepting *Umbrellas, Kantha Bazoo, Mokooti, Kondol, Har, Bijota, Kara, Footrings (golden), Eyes Chandwapootia Band of Mala, Dhoop, Dipkeshor, Chundun, Kalas, Rikabi, Katori, Chamor, Chapor*, and (illegible) all the remaining offerings that shall belong to yourself and the Jain Situmbury Society and the same being collected in the presence of and under the supervision of equal number of men on both sides shall remain deposited in the *Kothee* at Madhubun belonging to the Jain Situmbury Society. But out of the offerings so collected, those articles that are likely to be damaged, shall in the presence of and under the supervision of a trustworthy agent on behalf of each of the parties be sold every week and the proceeds of the same shall remain deposited in the aforesaid manner in the above *Kothee*. If on any day the people on behalf of any party do not go to collect

the offerings, in that case the people of the other party having collected the offerings shall deposit them and the same shall be accepted by both parties as binding. In order to keep accounts of the offerings to be collected as aforesaid for these three years in such a manner as would be considered trustworthy by both parties, there shall be kept two daily forms to be approved by both parties in which the account of the daily offerings and income shall be entered, and the same being signed by the people employed to collect the offerings on behalf of both parties, as also by the principal *amlas* present there, one copy shall be submitted to you and one copy to myself. Afterwards, on the expiration of the said three years, the value of all the offerings collected as aforestated during the three years shall be fixed in Company's rupees and out of the same the charges for making collection at the rate of Rupees 200, two hundred annually amounting to Rupees 600, six hundred, for three years shall be deducted and the remaining money shall be divided into three parts and whatever the same may come to by annual overcharge calculation, the Jain Situmbury Society agree to pay the same unto you, your sons, grandsons and heirs by two instalments in a year, *i. e.* one instalment payable in the month of Ashvin and the other in the month of Choitra on the following conditions. These conditions are :—that neither you nor any one of your heirs nor your or their representatives or any one on your or their behalf, shall at any time and in any way prevent and hinder the pilgrims from going to and putting up on the hills and performing the worship &c. or any one on your behalf shall ever commit any sort of operation within the Jain Situmbury Temples and shall not raise any quarrel with the Poojarees and other people of the Jain Situmbury Society or interfere with them in the performance of their duties ; that you shall give without price any lands that shall be required for building or repairing any temple or *Dharumshala* or for making bricks at any place in Madhoobun (situated) on the Hills ; that you shall render assistance for repairs of the roads on the hills by supplying coolies, mason, dhoolies and bearers by receiving money for the same and shall never prevent any wood or stone being taken from the Hills for that purpose without any price ; that if an objection be raised the Jain Situmbury Society shall take the same of their own accord ; and that after the said three years no one on your behalf or on behalf of your heirs or representatives shall enter any temple without the permission of the people of the Jain Situmbury Society, but there shall be no hinderance in respect of religious observances. If you and your sons, grandsons and heirs carry out the above conditions, the Jain Situmbury Society shall continue to pay you annually the sum fixed as aforestated. You shall never raise any objections as to reducing the amount of offerings. If they fail to pay the said money, you shall realize the same by means of action. Should you after instituting suit and obtaining decree fail to realize the money by execution thereof within one year, you and your heirs shall be at liberty to receive the whole of the said offerings at your own option. But if at any time the Jain Situmbury Society again goes on paying the said annual sum, you and your heirs shall have to give up those offerings without any objection and you all shall have no

power to interfere any further with the same. But if you or your heirs ever act in contravention of any of the aforesaid conditions, you shall not be entitled to get the sum fixed as above and shall not be competent at any time to lay any claim in respect of the same. And if at any time hereafter any new temple be built on the aforesaid hills, you shall have no right to lay claim to the offerings or any other things belonging to the same. On the expiry of these three years, a Mokurrary Ikrarnamah shall be given in writing by both parties exactly on the same terms as those upon which the settlement has been effected under this deed of Ikrar. Should either party object to give the same in writing, the other party shall be competent to get the same, executed by the assistance of the Court. The value of the offerings collected during the said three years in the manner aforestated shall, in the event of there being no breach of the above conditions, be paid to you on the lapse of these three years after deduction of the expenses specified above; to this there shall be no objection. To this effect I give in writing this Ikrarnamah. Finis. Year 1279 *Sal,* twelve hundred and seventy-nine. Dated 4th Jaisto Bengali. Corresponding to 16th May 1872, A. D. Finis.

Signature of Sri Paresh Nath Singh, Raja, Inhabitant and Zemindar of Gadi Palgunj.	Horruck Chund Golicha, I accept, Honorary Manager, Jain Situmbury Society, Srijoot Bishtoo Charan, present resident of Azimgunj.

WITNESS—Kover Dody Narain Singh, inhabitant of Sursi, Sri Gadi Karharbari.

WITNESS—Upadhya Sri Pukhraj Ram Pundit, inhabitant of Khas Palgunj.

WITNESS—Hem Lal Ram, Mahajeea, inhabitant of Mohesh Lundi, Gadi Karharbari.

Date of Registration—the 26th June 1872.

Translated by Md. Abdur Reah, (illegible).

Order translator L. R.'s Office, High Court.

15-8-88.

I Rajah Pareshnath Sing, son of Rajah Dripnath Sing, deceased, by caste Baghal Rajpoot, by profession zemindar, resident and proprietor of Gadi Palgunge, Pergunnnah Kharakdia in the Sub-registry of Karharbari within the District Registration Office and Zillah Hazareebagh, thanah Pachumba, am executing this Ekrar in favor of Baboo Hurruck Chand Golicha, son of Baboo Kurrumchand Golicha, deceased, by caste Oswall, by profession Banker, Honorary Manager of the Jain Situmbari Society, resident of Azimgunge, Pergunnah Mosaripore in the Police station of Assanpore in the Sub-registry of Moorshedabad and within the Registration office and District of Moorshedabad, do hereby declare that the *Jain Setumbari sect has a seat of religion on the Spur of the Pareshnath Hill, which is appertaining to* Gadi Palgunge, Pergunnah Kharakdia, Police station Pachumba, in the Sub-registry of Karharbari, within the Zillah and Registration District of Hazareebagh.

That disputes relating to the right of offerings in the temples have been continuing, for the last few years between my Guardians acting on my behalf and myself and the manager of the Jain Situmbari Society. In order to put an end to these disputes between me and Jain Situmbari Society, it is agreed in the following manner :—

That from the first of June 1872, to the 31st May 1875, the entire offerings at the temples be carefully collected except Umbrella, necklace, armlet, crown &c., (total 24 articles) by my servants, and that of the Jain Situmbari Society, and the same be kept in deposit in the House of the Jain Situmbari at Madhubun and that they be duly and fully entered in two Books, daily, according to form fixed by me and the manager of the Jain Setumbari Society to keep the accounts in a trustworthy manner and the said accounts duly signed by the writers of the offerings and the Head officers placed there should each keep the entries in the Books; that of the offerings the perishable articles be sold every week in the presence of the officers of these presents and the proceeds realised be kept in deposit in similar manner.

The Head officers of these presents should send weekly accounts of the offerings to their respective masters with their signatures attached. Should it so happen that the servants of any one of these presents, fail any day to go and compare the entry of the offerings, then the entry made by the servant of the party present on the occasion, should be accepted as the correct entry by the party absent.

In this manner from the beginning to the end of three years, whatever amount be found to be in deposit, the sum of rupees six hundred be deducted for the three years establishment costs for collection of the offerings; the balance is to be divided into three shares and the amount that will be for a third share, will be considered as the average proceeds of the one year which I will fix as

annual Jumma in granting Mokarari to the Honorary manager of the Jain Situmbari Society from 1st June 1875, and in like manner the Honorary Secretary of the Jain Situmbari Society will execute an Ekrar in my favour in the same matter, and at the end of three years the Honorary Secretary of the Jain Situmbari Society shall be at liberty to appropriate the offerings in any manner suitable to him in which I and my Heirs shall have no right to interfere.

That should there be any necessity for the Jain Situmbari Society to build temples or prepare bricks, either on the spur of the Pareshnath Hill or below it at Madhoobun, I and my heirs in that *case shall be bound to give them land for that purpose without receiving any value, and in case* I and my heirs decline to do so, the Jain Situmbari Society *shall be at liberty to take the same as of right.* I and my heirs and representatives or any person on my behalf shall have no right to give obstruction to the Jain Pilgrims, their ingress and egress to the temples on the Hill when performing their religious ceremonies, and I and my heirs and representatives *shall have no right to do any improper act to* the Jain Situmbari Society's temples, nor shall we quarrel or interfere with the Priests and servants of the Jain Situmbari Society in the performance of their duties.

After the expiry of the said term of three years, I or my heirs and represntatives or servants shall have no right to go to any of the Jain Sitambari Temples without their permission. Should I or my heirs violate or put an end to the above mentioned conditions, then I shall not be entitled to the annual sum as fixed above.

That after the expiration of the period of three years, the sum so fixed be paid to me or my heirs and representatives by two instalments, one instalment by the month of Assin, and the other by the month of Choit of each year without any excuse. Should it not be paid, I and my heirs shall have the right to realise the same by suit in Court with twelve per cent interest per mensem, but if the entire amount of the decree be not paid by the Jain Situmbari, Society within one year, in that case I and my heirs and representatives shall have the right to appropriate the offerings except the 24th excepted articles aforesaid at our pleasure. No objection of any sort of the Jain Situmbari Society be accepted, but should the Jain Situmbari Society again pay the said sum due, I shall in that case cease to take the offerings in the Temples as provided for above, and in like manner should they again at any time withhold payment, I shall be at liberty to appropriate the offerings as aforesaid.

At the end of three years after due observance of the conditions set forth in the above, I shall be entitled to the entire sum of the offerings after a deduction of the sum of rupees six hnndred, and which the Jain Situmbari Society will be bound to pay me, and except the Temples that are in existence I shall not be entitled to the offerings of any new Temples that may be built hereafter, by the Jain Situmbari Society.

After the end of the three years each of these parties shall be bouud to execute in the others favour an Ikrarnama and should either of these parties decline to do so, the other shall be at liberty to compell him through the Court to have the same executed in his favour.

Therefore this Ekrar is written that it may be of use.

Dated 16*th May* 1872.

Registration &c.

Court fee Stamp
of eight annas.

(No. 86)

(No. 25 of 1878)

Roobkari of the Civil Court at Hazaribagh, held on Tuesday the 24th September 1878.

Present :—

COLONEL H. F. Baddam, *Deputy Commissioner.*

Rajah Pareshnath Singh, zemindar, resident of *Khas Gadi* Palgunge, Perganah Kharagdih ... *Plaintiff.*

versus

Baboo Harak Chund Galecha, inhabitant of Azimgunge, Perganah Muraripore, zillah Murshidabad ... *Defendant.*

Claim to recover Rs. 32,929-0-6 principal with interest on account of offerings on the Pareshnath Hill according to the terms of the registered Ekrarnamah, dated the 16th May 1872.

This day the records of this case with a petition of the pleaders on behalf of the plaintiff and defendant (as also the documents executed by both the parties) praying among other things that the suit be struck off the file owing to it having been amicably settled by the parties and the document filed by the plaintiff be made over to the pleader of the defendant and the document filed by the pleader for the defendant to the plaintiff, having been perused, it was

ORDERED :—

that the suit be struck off the file of undecided (cases) and the documents be made over to the pleaders of the parties as prayed for by them. Finis.

Copy of the Signature of Achumbhit Lal, Decree writer.

Copy of the Signature of Hanooman Prasad, Serrishtadar.

Signature of the presiding officer in the English Character.

writer of this copy
(Illegible)
Copyist.

Compared by record-keeper with Toophani Lal Copyist—
I do declare that this copy is correct. Finis.

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